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10/827,362	04/20/2004	Takeshi Suzuki	Q80951	3849

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EXAMINER

RENNER, CRAIG A

ART UNIT PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/827,362

Applicant(s)

SUZUKI, TAKESHI

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/04; 10/11/06 & 1/22/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of "Species I, Figures 2-3 and 5-6," upon which "Claims 1-3, 5-7 and 9-11" are said to "read", in the reply filed on 05 February 2007 is acknowledged. Claim 5, however, does not read on the elected species as elected species I of FIGS. 2-3 and 5-6 does not include a "stopping pawl", for instance. Non-elected species IV of FIG. 9 includes stopping pawl 53. Accordingly, claims 4, 5 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance, "21" (shown in FIG. 4, for instance).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) and/or an amendment to the specification in compliance with 37 CFR 1.121(b) are required in

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reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The disclosure is objected to because of the following informalities:

a. In line 4 on page 18, "hinges 22, 23" should be changed to --hinges 22, 22-- in order to be consistent with the remainder of the disclosure.

b. In line 16 on page 49, "overlords" should be spelled --overloads--.

Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Uehara et al. (US 5,537,378).

Uehara et al. (US 5,537,378) teaches an automatic medium changer comprising a casing (1) having an openable door (217/300), wherein a medium storing unit (5) storing a plurality of information storage media, a read/write unit (4) reading data from and writing data into the information storage media and a carrier (3) which reciprocates between the medium storing unit and the read/write unit; a lock mechanism (includes 330, for instance) which is capable of locking the door to the casing so as to be in an unopenable state (as shown in FIG. 24, for instance); and a mechanical auto lock/unlock mechanism (includes 380, for instance), and the mechanical auto lock/unlock mechanism causes the lock mechanism to be in an unlocked state when the carrier is located at an evacuation position (as shown in FIG. 27, for instance) and

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causes the lock mechanism to be in a locked state when the carrier moves from the evacuation position to a normal operational area (as shown in FIG. 24, for instance).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara et al. (US 5,537,378) in view of Kawakami et al. (US 5,243,478).

Uehara et al. (US 5,537,378) teaches the automatic medium changer as detailed in paragraph 8, supra, further wherein the lock mechanism comprises an engagement portion (330) formed on the door and a lock pin (380) provided in the casing, the auto lock/unlock mechanism comprises an elastic urging means (includes 460, for instance, in at least an equivalent structural sense) urging the lock pin in a direction of engaging a tip portion of the lock pin with the engagement portion (as shown in FIG. 24, for instance), and a lever (410, for instance) moving the lock pin in a direction of disengaging the tip portion of the lock pin from the engagement portion (as shown in FIG. 27, for instance), wherein the lever includes an emergency manipulation portion (includes 440, for instance) with which the lever is moved against an urging force applied by the elastic urging means, and the casing has a small hole (between 7L and

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310, for instance) perforated manipulating the emergency manipulation portion from an outside (as shown in FIG. 21, for instance), and wherein the elastic urging means is formed of a coil spring (460). Uehara et al. (US 5,537,378), however, does not explicitly state that "the lever is operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position."

Kawakami et al. (US 5,243,478) teaches a lever (87) operated with a pressure applied by a carrier (60) moving from a normal operational area (as shown in FIG. 38A) to an evacuation position (as shown in FIG. 38B) in the same field of endeavor for the purpose of enabling a door (211) to be directly unlocked by the carrier only when the carrier is in the evacuation position. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the lever of Uehara et al. (US 5,537,378) be operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position as taught by Kawakami et al. (US 5,243,478). The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the lever of Uehara et al. (US 5,537,378) be operated with a pressure applied by the carrier moving from the normal operational area to the evacuation position as taught by Kawakami et al. (US 5,243,478) since such enables the door to be directly unlocked by the carrier only when the carrier is in the evacuation position.

11. Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara et al. (US 5,537,378) in view of Nonaka et al. (JP 05-290476).

Uehara et al. (US 5,537,378) teaches the automatic medium changer as detailed in paragraph 8, supra. Uehara et al. (US 5,537,378), however, remains silent as to the automatic medium changer further comprising an "unlock switch", an "open/close state detecting sensor" and a "controller".

Nonaka et al. (JP 05-290476) teaches an automatic medium changer further comprising an unlock switch, an open/close state detecting sensor and a controller in the same field of endeavor for the purpose of enabling storage media unloading. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the automatic medium changer of Uehara et al. (US 5,537,378) further comprise an unlock switch, an open/close state detecting sensor and a controller as taught by Nonaka et al. (JP 05-290476). The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the automatic medium changer of Uehara et al. (US 5,537,378) further comprise an unlock switch, an open/close state detecting sensor and a controller as taught by Nonaka et al. (JP 05-290476) since such enables storage media unloading.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara et al. (US 5,537,378) in view of Dang (US 5,570,337).

Uehara et al. (US 5,537,378) teaches the automatic medium changer as detailed in paragraph 8, supra. Uehara et al. (US 5,537,378), however, remains silent as to "wherein the evacuation position of the carrier is set at a position outside a space formed between the door and the medium storing unit."

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Dang (US 5,570,337) teaches an evacuation position of a carrier (40) set at a position outside a space formed between a door (61) and a medium storing unit (10) in the same field of endeavor for the purpose of enabling a horizontal dimension of the automatic medium changer to be minimized. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the evacuation position of the carrier of Uehara et al. (US 5,537,378) be set at a position outside a space formed between the door and the medium storing unit as taught by Dang (US 5,570,337). The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the evacuation position of the carrier of Uehara et al. (US 5,537,378) be set at a position outside a space formed between the door and the medium storing unit as taught by Dang (US 5,570,337) since such enables a horizontal dimension of the automatic medium changer to be minimized.

Pertinent Prior Art


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Rasmussen (US 5,430,588), Uehara (US 5,590,047), Baca et al. (US 6,085,123), and Nonaka et al. (JP 05-290479), which each individually teaches an automatic medium changer with a door being unlocked when a carrier is in an evacuation position.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Craig A. Renner
Primary Examiner
Art Unit 2627

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